CHAPTER VI

HOMICIDE AND BODILY INJURIES

Part 1: Homicide

579 Fighting is quite common among Awlad Ali. Many of these fights involve a large number of individuals and result in many casualties and sometimes even deaths. Fighting is considered "shar," or evil, for according to Awlad Ali, it threatens the social cohesion which is highly valued in the area. Yet, although undesirable, fighting and even homicide are not considered a crime against society and sometimes are viewed as necessary to safeguard individual and collective rights in the absence of an established authority which could protect these rights. Although this absence of an authority is remedied now by the introduction of state administrative justice, this has not yet achieved enough efficiency and recognition to replace the old tribal system.

In the tribal system, there is no concept of individual punishment inflicted upon the suspect. There is no recognized authority to inflict it. The mardi or the 'aqila who performs the function of dispute settlement in the case of homicide has no power to pass or inflict any punishment. His role is restricted to mediation between the two parties involved as was earlier mentioned. Homicide, like all other wrongs among Awlad Ali, are private wrongs affecting the individual or a group of individuals. The main purpose of the tribal proceedings in the case of homicide is to restore some form of harmony and order among the group. This harmony is sometimes restored by killing the murderer or any member of his vengeance group, or amar. Feuds may result from such killing, and a few instances of feuds have, in fact, been recorded in the area (although not in the